

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

253481

DATE OF REPORT (DAY-MO.-YEAR)
24 August 1999
01 September 1999T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

| | | | | | | |
|--|--|---|-------------------|---|----------------------------|---|
| FROM-INVIGATOR'S NAME Michael Monegain | | RANK Inv | STAR NO. 235 | SOCIAL SEC. NO. [REDACTED] | EMPLOYEE NO. [REDACTED] | UNIT ASSIGN. 113 |
| ADDRESS OF INCIDENT 73 S. Maplewood - on the street | | DATE OF INCIDENT - TIME 05 May 99 1450 hours | | BEAT OF INCIDENT 832 | LOCATION CODE* 017 | |
| NAME 1. Kevin Muth | | RANK PO | STAR NO. 17616 | SOCIAL SEC. NO. [REDACTED] | EMPLOYEE NO. [REDACTED] | UNIT ASSIGN. 008 |
| NAME 2. Brian Forberg | | RANK PO | STAR NO. 18761 | SOCIAL SEC. NO. [REDACTED] | EMPLOYEE NO. [REDACTED] | UNIT ASSIGN. 008 |
| ACCUSED | SEX/RACE D.O.B. | DATE OF APPOINTMENT | | DUTY STATUS (TIME OF INCIDENT) | | PHYS. COND. CODE† |
| | 1. M/W [REDACTED] 65 | 02 May 94 | | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN 03 |
| | 2. M/W [REDACTED] 60 | 10 Jul 95 | | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN |
| | IF APPLICABLE - DATE ARRESTED/INDICTED | | CHARGES | | COURT BRANCH | DISPOSITION & DATE |
| COMPLAINANTS | NAME | | ADDRESS** | | CITY STATE | TELEPHONE |
| | [REDACTED] | | [REDACTED] | | [REDACTED] | [REDACTED] |
| VICTIMS | NAME | | ADDRESS** | | CITY STATE | TELEPHONE |
| | [REDACTED] | | [REDACTED] | | [REDACTED] | [REDACTED] |
| WITNESSES | NAME | | ADDRESS** | | CITY STATE | TELEPHONE |
| | [REDACTED] | | [REDACTED] | | [REDACTED] | [REDACTED] |

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

SEE PAGE THREE (3)

I.A.D. LOCATION CODES*

| | | | |
|----|-------------------------------|----|-------------------------------------|
| 01 | Food Sales/Restaurant | 11 | Public Transportation Veh./Facility |
| 02 | Tavern/Liquor Store | 12 | Park District Property |
| 03 | Other Business Establishment | 13 | Airport |
| 04 | Police Building | 14 | Public Property - Other |
| 05 | Lockup Facility | 15 | Other Private Premise |
| 06 | Police Maintenance Facility | 16 | Expressway/Interstate System |
| 07 | CPD Automotive Pound Facility | 17 | Public Way - Other |
| 08 | Other Police Property | 18 | Waterway, Incl. Park District |
| 09 | Police Communications System | 19 | Private Residence |
| 10 | Court Room | | |

I.A.D. PHYSICAL CONDITION CODES†

| | |
|----|--|
| 01 | No Visible Injury - Apparently Normal |
| 02 | No Visible Injury - Under Influence |
| 03 | Injured, Not Hospitalized |
| 04 | Injured, Not Hospitalized - Under Influence |
| 05 | Injured, Hospitalized |
| 06 | Injured, Hospitalized - Under Influence |
| 07 | Injured, Refused Medical Aid |
| 08 | Injured, Refused Medical Aid - Under Influence |
| 09 | Deceased |
| 10 | Deceased - Under Influence |

* * IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

C.R. NO. 253481

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

SEE PAGE FOUR (4)

| ATTACH- MENTS | INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: |
|------------------|---|--|---|--|
| | 8, 13 | 6, 12, 14, 15, 17, 18, 21, 22, 31, 37, 43 | 12, 19, 20, 23, 25 | 44 |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS—RECOMMENDATIONS

FINDINGS:

ALLEGATIONS #1-2 against Officer Kevin Muth: Unfounded

ALLEGATIONS #1-2 against Officer Brian Forberg: Unfounded

ALLEGATIONS #1-2 against Officer Carl Gray: Unfounded

APPROVED:

O.F.S. Acting Supervisor Erica Sanders, #248

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

11 May 1999

DATE COMPLETED
(DATE OF THIS
REPORT)

24 August 1999

ELAPSED TIME
(TOTAL TIME,
EXPRESSED IN DAYS)

105 Days

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

ADDITIONAL ACCUSED:

3. Carl Gray, Police Officer, Star #7597, S.S.# [REDACTED], Emp. # [REDACTED], M/W, D.O.A.:
17 March 1997, D.O.B.: [REDACTED] 1972, Unit 008, Sworn, Code 01.

ALLEGATIONS:

The complaint was received at the Office of Professional Standards on 09 May 1999 at 0725 hours from the complainant, [REDACTED] by Investigator Fundarek. The complainant alleged that on 05 May 1999 at an unknown time in the evening, **Officers' Muth, Forberg and Gray:**

- (1) beat the victim, [REDACTED] about the face and body during the course of his arrest.

It is further alleged that **Officers' Muth, Forberg and Gray:**

- (2) planted drugs on the victim inside their squad car after taking him into custody.

SUMMARY:

The allegations are as stated in the "Allegations" section of the report.

In an in person statement complainant [REDACTED] related that on 05 May 1999 at approximately 1450 hours he had come out of his residence at [REDACTED] when an unmarked police car stopped in front of his house. One of the officers told him to come over to their car which he did and the officer searched him. [REDACTED] stated that one of the officers hit him in the head with his walkie-talkie and he ran away from the officers onto the 7300 block of S. Maplewood. The officers caught him after he slipped and one officer put him in a choke hold while one of the other officers handcuffed him. After he was handcuffed all of the officers began punching and kicking him about the head and body with their fists and feet. [REDACTED] stated that he told his friend [REDACTED]'s sister [REDACTED] who was a witness to this incident, where he lived and then the police put him inside their squad car and drove away. The passenger officer in the front seat turned around and began hitting [REDACTED] in the head with his walkie-talkie while the officer in the back seat held his head in his lap so he could not move. He stated he then "blacked out". When he came to, one of the officers was making some type of substance which they stated they were going to use to charge him with drug possession. [REDACTED] stated that he did not struggle with the officers when they were trying to handcuff him and he denied that he punched any officer during this incident. [REDACTED] stated he was taken to Holy Cross Hospital and he received treatment for his eye and was taken back to the station because he was getting dizzy.

During a telephone interview, the witness [REDACTED] related that on the date and time in question she was standing on her front porch at [REDACTED] when she saw two unmarked police cars chasing [REDACTED]. She stated the officers exited their vehicles and caught [REDACTED] in front of the house next door to her residence. She stated the officers put handcuffs on [REDACTED] and picked him up by his feet and the back of his pants and put him in their squad car. [REDACTED] stated that the officers opened the back door up and pulled [REDACTED] out of the squad car onto the ground. She stated one officer had his knee on [REDACTED]'s neck while one of the other officers was searching him. [REDACTED] said [REDACTED] began yelling that the officers were putting drugs on him while they were searching him. She stated she moved off of her porch and was only approximately five feet away from the officers and [REDACTED]. She stated that the officer who was kneeling on [REDACTED]'s neck began hitting him in the ribs and upper chest. [REDACTED] further stated that one of the officers who was searching [REDACTED] began squeezing his testicles and stood up with 3 to 4 bags of drugs in his hand. The officers then put [REDACTED] back inside the squad car and the officer who sat in the back seat sat on [REDACTED]'s head.

Several attempts were made to interview any possible witnesses at [REDACTED]. All met with negative results.

SUMMARY:

In a To/From Subject Report, regarding an Aggravated Battery to a Police Officer, Lt. Samuel Ramirez, Acting Watch Commander 008th District conducted interviews with Officers' Kevin Muth, Brian Forberg, and Carl Gray. The following is a summary of those interviews and is not verbatim.

Officer Muth related in that interview that he along with the aforementioned officers received information concerning a person selling drugs near the corner of 73rd and Rockwell. With that information and a description of the subject selling drugs at that location they responded to the area. Officer Muth related that he was familiar with that area as being a high drug sales location and familiar with persons involved in those illegal sales. Upon their arrival, [REDACTED] recognized them as police officers and fled eastbound through a gangway. During the pursuit, [REDACTED] tossed to the ground a clear plastic bag containing a quantity of white rock like substance, suspect crack cocaine. Officer Muth stated he pursued [REDACTED] to the front of [REDACTED] where he began to actively resist Officer Muth's attempts to handcuff him by waving his arms and shoving his elbows wildly. [REDACTED] then punched Officer Muth in the face as he grabbed him and they both fell to the ground. [REDACTED] continued to resist by wrestling with Officer Muth on the ground until Officers Forberg and Gray assisted in subduing him until he could be handcuffed. [REDACTED] was then placed inside of a squad car where he began to kick the interior of the squad car and when Officer Muth looked in his direction he spit into Officer Muth's face and said he had AIDS.

Officers' Forberg and Gray both related in sum and summary the same account of this incident as Officer Muth. They further related that Officer Muth sustained an injury to his hand during the struggle with [REDACTED] on the ground. They also stated that the clear plastic bag discarded by [REDACTED] containing white rock like substance crack cocaine was recovered and inventoried.

Lt. Ramirez attempted to interview [REDACTED], but related that [REDACTED] remained mute refusing to acknowledge his presence. He stated that he observed swelling to the right eye of [REDACTED] and several small cuts to his head. Lt. Ramirez asked [REDACTED] if he wanted medical attention, but he remained mute during the inquiry. An E.T. was ordered to photograph the parties concerned and authorization was given to transport [REDACTED] to a medical facility for the injuries to his head and eye. [REDACTED] was charged with Felony Aggravated Battery to a Police Officer and Possession of a Controlled Substance.

The Officer Battery Report related in sum and summary the same account of this incident as the statements provided by the arresting officers in Lt. Ramirez's To/From Subject Report. In addition, the Case Report indicated that Officer Muth grabbed [REDACTED]'s arms in defense of himself as well as to effect the arrest and, in an effort to immobilize his delivery system, he struck [REDACTED] in the face.

SUMMARY:

Injury On Duty Report related in sum and summary the same account as previously related reports.

The Evidence and Recovered Property Report indicated that 1 clear piece of plastic containing 9 small knotted plastic bags containing white rock like substance was recovered from [REDACTED]

To/From Subject Reports from Officers' Forberg and Gray as witnesses to Officer Muth's injury on duty related in sum and summary the same account as all previous reports generated by those officers.

The medical records for Officer Kevin Muth from Christ Hospital in Oak Lawn indicated that he had a broken finger on his right hand.

The medical records for [REDACTED] from Holy Cross Hospital indicated that he refused medical treatment and signed the Refusal of Medical Screening Examination Form.

The Evidence Photographs taken of Officer Kevin Muth appear to indicate a slight swelling and redness to the area below his right eye. The photographs of Officer Muth's right hand are unremarkable. There is no clear indication of injury to any finger on the right hand. The photographs of [REDACTED] indicate an abrasion on the rear left side of his head as well as two cuts above his right eye which appeared to be swollen partially closed.

In a To/From Subject Report Officer Kevin Muth related in sum and summary the same account of this incident as he had previously related to Lt. Ramirez when interviewed regarding the Aggravated Battery to a Police Officer.

In To/From Subject Reports Officers' Forberg and Gray corroborated Officer Muth's account of this incident.

Several attempts were made to contain [REDACTED] to allow him to review the Question/Answer Statement that he provided for the undersigned. Several messages were left at his residence asking that he contact this office regarding this matter, no calls were returned.

CONCLUSION:

It is recommended that the allegations against the accused officers be given a finding of Unfounded. The complainant [REDACTED] was not credible. He stated at the police station he told a supervisor about this incident and indicated that he was beaten by the arresting officers. In a To/From Report Acting Watch Commander Lt. Ramirez related that he attempted to speak with the complainant regarding this incident, but he refused to answer any of the question asked by the Lieutenant. [REDACTED] did not indicate to Lt. Ramirez that he had been beaten by any officers. The complainant stated that he received medical treatment at Holy Cross Hospital, but his medical records indicate that the refused medical treatment when he arrived at the hospital and was returned to the police station. The witness, [REDACTED] does not corroborate the account provided by [REDACTED]. Her account of the incident relates information that the complainant did not, such as the officers squeezing the complainant's testicles and knelt on his neck. [REDACTED] stated that at no time during this incident was he combative or did he resist the arresting officers. Officer Kevin Muth's medical records indicated that he had a broken finger on his right hand. The injury to Officer Muth's finger was reportedly sustained during a struggle with [REDACTED] which caused the two of them to fall to the ground. Officer Muth stated in a To/From Subject Report that during his struggle with the complainant he struck [REDACTED] in an attempt to defeat his delivery system. The admission by Officer Muth regarding striking [REDACTED] goes to his credibility. The Evidence photographs of [REDACTED] show abrasions and cuts to he head area which would not be consistent with the physical beating that he described he received from the arresting officers. However, the abrasions and cuts appear to be consistent with injuries incurred during a struggle on rough surface or concrete. The swelling around [REDACTED]'s right eye appeared as a result of being struck with a fist or blunt object.

/llb